



September 15, 1992

Reply to  
Attn of: HW-113

Generic GNL/RFI

**GENERAL NOTICE LETTER AND REQUEST FOR INFORMATION**  
**URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY**  
**CERTIFIED MAIL: RETURN RECEIPT REQUESTED**

[REDACTED]

Re: Commencement Bay Nearshore/Tideflats Superfund Site,  
Tacoma, Washington

Dear Mr. Ervins:

The purpose of this general notice letter is to formally notify you that the U.S. Environmental Protection Agency (EPA) has identified Banyan Rail as a potentially responsible party (PRP) at the Commencement Bay Nearshore/Tideflats (CB/NT) Superfund site in Tacoma, Washington. As defined by Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA, commonly referred to as "Superfund"), 42 U.S.C. Section 9607(a), PRPs may be held liable for response costs incurred at the site, including those related to investigations, planning, studies and cleanup.

In addition to notifying you of potential liability, this letter serves several other functions. First, EPA wants to notify you of potential response activities at the Hylebos Waterway, which includes two of eight problem areas addressed in the September 30, 1989, Record of Decision (ROD) for the CB/NT site. You may be asked to perform or finance response activities at the Hylebos Waterway at a later date. Second, this letter requests information concerning your knowledge of activities on properties you owned, leased or operated, or of any releases of hazardous substances, pollutants or contaminants to the environment in the vicinity of the Hylebos Waterway (Enclosure A). Finally, this letter offers you an opportunity for meaningful participation in the ongoing process to design and implement a remedy for the Hylebos Waterway. To assist you in this effort, enclosed with this letter is information that

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describes the CB/NT site and the Hylebos Waterway problem area, EPA's plans for continued response activities under Superfund, and a list of the other notified PRPs (Enclosures B through D).

#### **REQUEST FOR INFORMATION**

As mentioned above, enclosed with this notice letter as Enclosure A is a request for information under the authority of Section 104(e) of CERCLA and Section 3007 of the Resource Conservation and Recovery Act (RCRA). Your response to the requested information must be provided to EPA within thirty (30) calendar days after your receipt of this letter. Please refer to the enclosed request for further information on how to comply with this requirement.

Please be aware that compliance with this information request is mandatory. Your legal obligation to respond truthfully to each question within the prescribed period is independent of your potential liability under Section 107 of CERCLA. Failure to respond within thirty (30) days of receipt or to adequately justify failure to respond can result in enforcement action by EPA pursuant to Section 104(e) of CERCLA and Section 3008 of RCRA. Each of these statutes permits EPA to seek the imposition of penalties of up to \$25,000 for each day of continued non-compliance. Please be furthered advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. 1001 or Section 3008(d) of RCRA.

#### **NOTICE OF POTENTIAL LIABILITY**

EPA has documented the release or threatened release of hazardous substances, pollutants, or contaminants at the above-referenced site. EPA has spent, and is considering spending, public funds on actions to investigate and control such releases or threatened releases at the site. Unless EPA reaches an agreement under which a potentially liable party or parties will properly perform or finance such actions, EPA may perform these actions pursuant to Section 104 of CERCLA.

Under Sections 106(a) and 107(a) of CERCLA, 42 U.S.C. Sections 9606(a) and 9607(a), Section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. Section 6973, as amended (RCRA), and other laws, PRPs may be ordered to perform response actions deemed necessary by EPA to protect the public health, welfare or the environment, and may be liable for all costs incurred by the government in responding to any release or threatened release at the site. Such actions and costs may include, but are not limited to, expenditures for conducting a Remedial Investigation/Feasibility Study (RI/FS), conducting a Remedial Design/Remedial Action (RD/RA), and other investigation, planning, response, oversight, and enforcement activities. In

addition, PRPs may be required to pay damages for injury, destruction, or loss of natural resources, including the cost of assessing such damages.

EPA is investigating the identity of additional PRPs at the CB/NT site associated with the Hylebos Waterway in order to notify them of their potential liability for costs related to past and future response actions at the site. Based on information evaluated in connection with this investigation, EPA believes that you are a PRP with respect to the CB/NT site. Under Section 107(a) of CERCLA, 42 U.S.C. 9607(a), PRPs include current and former owners and operators of the site as well as persons who arranged for disposal or treatment of hazardous substances sent to the site, or persons who accepted hazardous substances for transport to the site. By this letter, EPA notifies you of your potential liability with regard to this matter and encourages your involvement at the CB/NT site, particularly with respect to the Hylebos Waterway.

#### **SITE RESPONSE ACTIVITIES**

In accordance with CERCLA and other authorities, EPA, working with the Washington Department of Ecology (Ecology), has already undertaken certain actions and incurred certain costs in response to conditions at the CB/NT site. A description of these response actions, the Superfund process, and the CB/NT site is provided in the enclosed information package (Enclosure D). Because of the size and complexity of the CB/NT site, it has been divided into eight separate operable units. This letter covers response actions and costs associated with Operable Unit 01 - CB/NT Sediments. Other operable units cover sources of contamination to the Bay, the Tacoma Tarpits, and contamination problems associated with the Asarco Tacoma Smelter.

The CB/NT site encompasses 10 to 12 square miles of shallow water, shoreline, tideflats, and nearby upland areas. The tideflats area includes the industrialized waterways and properties which have been developed on the delta of the Puyallup River.

In 1988, through a Superfund cooperative agreement with EPA, Ecology completed an extensive RI/FS for the CB/NT site which identified alternatives for a comprehensive cleanup program for the site. Based on the RI/FS, and following a period of public comment, EPA selected remedy for the CB/NT site, which is set forth in a Record of Decision (ROD) issued by EPA on September 30, 1989. The ROD identified a cleanup approach for eight distinct problem areas, including two problems area in the Hylebos Waterway. The eight CB/NT problem areas are described in the enclosed information package.

In accordance with the CB/NT ROD, cleanup activities are being managed in each problem area according to a two-step approach which focuses first on source control and then on sediment remediation in the designated waterway problem areas. Under the ROD and a June 1989 cooperative agreement, Ecology is the lead agency for source control at the CB/NT site and EPA is the lead agency for sediment remediation.

At present, EPA and Ecology are conducting a number of activities at the site to implement the selected remedy. The following ongoing activities at the Hylebos Waterway are particularly relevant to potential liabilities addressed in this letter:

- Ecology is continuing to identify sources of past and ongoing contamination to the Hylebos Waterway. A number of enforcement actions in the form of permits, consent orders and decrees, and administrative orders have been taken to implement source control actions that were identified on the basis of site-specific studies. At the Hylebos Waterway, significant progress has been made in identifying and controlling sources.
- The federal, tribal and state natural resource trustees have begun the process of evaluating impacts to natural resources in Commencement Bay.

EPA plans to initiate negotiations with the CB/NT PRPs associated with the Hylebos Waterway to perform the design and construction of the remedial action set forth in the CB/NT ROD. The negotiation process will begin upon completion of EPA's search for PRPs for the Hylebos Waterway and issuance of special notice letters to Hylebos PRPs, scheduled for late 1992. The resulting Consent Order(s) and/or Consent Decree(s) will be subject to public comment prior to finalization and before proceeding with the remedial action.

#### **OPPORTUNITY TO COMMENT ON THE SELECTED REMEDY AND ADMINISTRATIVE RECORD**

Pursuant to CERCLA Section 113(k), EPA has established an administrative record of documents that form the basis of EPA's decision on the selection of a response action for the CB/NT site. The administrative record files for the CB/NT site contain the documents related to the response action selected in the CB/NT ROD, including the RI/FS report, public comments on the proposed remedy, EPA's response to significant comments, and the final ROD.

To the extent that you learned of your potential liability at this site after the ROD was already signed, this letter notifies

you of an opportunity to participate in the ongoing process to implement a remedy for the CB/NT site, particularly the Hylebos Waterway. Specifically, within sixty (60) days of receiving this letter, you may submit comments on the documents that form the basis for the ROD, including the proposed plan and alternative plans that were considered. Your comments and factual information may address any area of the CB/NT site covered by the proposed plan, including the Hylebos Waterway. Of most interest to EPA would be comments containing significant information not contained elsewhere in the administrative record file which could not have been submitted during the public comment period and which substantially support the need to significantly alter the response action. In addition, as noted above, you will have later opportunities to comment on the remedial design for the Hylebos Waterway as it is developed. Under the National Contingency Plan (NCP), 40 CFR 300.825(c), EPA is required to consider comments submitted after the close of the public comment period which contain significant information not contained elsewhere in the administrative record, and to place all such significant comments and EPA responses in the administrative record file. EPA will respond to all such significant comments, and place all comments and any responses in the administrative record file. If necessary, based on the new comments and other information in the administrative record, EPA may decide to modify the remedy.

Please note that you must submit any comments on the ROD to EPA within sixty (60) days after receiving this letter. Please address any comments to:

Allison Hiltner  
U.S. EPA Region 10 (HW-113)  
1200 Sixth Avenue  
Seattle, WA 98101

The administrative record files are available to the public for inspection and comment at two locations:

U.S. EPA	Tacoma Public Library Main Branch
1200 Sixth Avenue	1102 Tacoma Avenue South, NW Room
Seattle	Tacoma

In addition, major agency documents related to the CB/NT site are located in several information repositories in Tacoma, including:

McCormick Regional Branch Library  
3722 North 26th

City of Tacoma Environmental Commission  
747 Market Street, Suite 345

Tacoma Pierce County Health Department  
3633 Pacific Avenue

Pacific Lutheran University Library  
121st and South Park Avenue

**INFORMATION TO ASSIST POTENTIALLY RESPONSIBLE PARTIES**

EPA would like to encourage good communication and coordination between the PRPs and EPA, as well as among the PRPs. In addition, following completion of the search for Hylebos PRPs, EPA intends to issue special notice letters triggering negotiations for RD/RA at the Hylebos Waterway. EPA therefore would like to encourage preparation by the PRPs for possible involvement in good faith negotiations with EPA. To assist PRPs in preparing for potential future involvement at the site, including negotiations with EPA concerning this matter, EPA is providing the following information as enclosures to this letter:

1. A complete list of names and addresses of PRPs who have been notified of their potential liability since April 1989 (Enclosure B), which includes a consolidated list of PRPs associated with the Hylebos Waterway. This list represents EPA's current findings on the identities of PRPs for the CB/NT site. Also included as Enclosure C is a list of PRPs associated with the Hylebos Waterway who are being notified at this time. Please note that inclusion on, or exclusion from, the list does not constitute a final determination by EPA concerning the liability of any party for the release or threat of release of hazardous substances at the site. Also, listing of parties by waterways in no way represents an EPA position on joint and several liability or on the divisibility of the harm at the site.
2. An August 1992 update of the CB/NT general information package which was provided to all CB/NT PRPs and all businesses in the Commencement Bay area in April 1989 (Enclosure D). Copies of all previous CB/NT fact sheets and reports are available at locations where the administrative record files and/or information repositories are maintained.

We have also added your name to a list of parties who regularly receive fact sheets or notices from EPA or Ecology concerning the CB/NT Site. You will receive notice in the near future of a general meeting for Hylebos PRPs in which EPA will provide an update of activities and discuss future plans for the Hylebos Waterway.

**EPA CONTACTS**

If you have any questions pertaining to this letter, please contact Allison Hiltner, the Remedial Project Manager for the Hylebos Waterway, at (206) 553-2140, or direct your attorney to contact Richard McAllister, EPA Office of Regional Counsel, at (206) 553-8203. Questions concerning your potential liability for natural resource damages should be directed to Robert Taylor the National Oceanic and Atmospheric Administration (NOAA), at (206) 256-6604. In addition, for further information about EPA's community relations activities in the Commencement Bay area, please contact Michelle Pirzadeh at (206) 553-1272.

Sincerely,



Carol Rushin, Chief  
Superfund Remedial Branch

**Enclosures**

cc: David Smith (Ecology)  
Robert Taylor (NOAA)  
Tanya Barnett (Attorney General)  
Rod Malcom (Muckleshoot Indian Tribe)  
John Carleton (Wildlife)  
Richard DuBey (for Puyallup Tribe of Indians)  
Ron Eggers (Bureau of Indian Affairs)  
David Frederick (Fish & Wildlife)  
Fred Gardner (Ecology)  
Thom Hooper (Fisheries)  
Jay Manning (Attorney General)  
Chris Mebane (EPA, Region 10)  
Tom Mumford (Natural Resources)  
Charles S. Polityka (Interior)  
Barry Stein (Interior)  
Bill Sullivan (Puyallup Tribe of Indians)

ATTACHMENT  
104(e) REQUEST FOR INFORMATION

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Parcels:

0321266004  
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Facilities:

4124 E. 11th Street, Tacoma, WA

Operator from unknown to present

*Attach specific  
parcel description*



## ENCLOSURE A

### CERCLA SECTION 104(e) REQUEST FOR INFORMATION

Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. Section 9604(e), as amended, and Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6927, as amended, authorizes EPA to require any person to furnish such information who has or may have information relevant to the following: 1) the identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a facility; 2) the nature or extent of a release or threatened release of a hazardous substance, pollutant, or contaminant at or from a facility; and 3) information relating to the ability of a person to pay for or perform a cleanup. Pursuant to the above authority and according to the timeframe identified in the cover letter transmitted with this enclosure, EPA hereby requests that you respond to all questions listed in this request for information.

EPA regulations governing confidentiality of business information are set forth in Part 2, Subpart B of Title 40 of the Code of Federal Regulations (C.F.R.). See 41 Fed. Reg. 36902-36924 (September 1, 1976), as amended by 43 Fed. Reg. 40000 (September 8, 1978), 44 Fed. Reg. 17673 (March 23, 1979), 48 Fed. Reg. 11270 (March 17, 1983), and 50 Fed. Reg. 61661 (December 18, 1985). For any portion of the information submitted which is entitled to confidential treatment, please assert a confidentiality claim in accordance with CERCLA Section 104(e)(7), 42 U.S.C. Section 9607(e)(7), as amended, and 40 C.F.R. Section 2.201. If EPA determines that the information so designated meets the criteria set forth in CERCLA Section 104(e)(7), and 40 C.F.R. Section 2.200, the information will be disclosed only to the extent, and by means of, the procedures specified in 40 C.F.R. Part 2, Subpart B. EPA will construe failure to furnish a confidentiality claim with your response to this request for information as a waiver of that claim, and information may be made available to the public by EPA without further notice to you.

In order to fully assess responses to the information requests, EPA is planning to disclose the submitted information to its contractor. As described in 40 CFR 2.310 (h), 50 FR 51663, EPA may disclose confidential business information to authorized representatives notwithstanding your assertion that all or part of it is confidential business information. Please be advised that EPA intends to disclose all responses relating to the Commencement Bay Nearshore/Tideflats site to its contractor, PRC Environmental Management, Inc. (EPA Contract No. 68-W9-009), which EPA has retained to organize and analyze the information contained in the information responses. You may comment on this intended disclosure with 15 days after receiving this letter; comments must be submitted in writing in the manner described above.

Your written responses to this request for information must be sent to EPA **within thirty (30) calendar days** of receipt of this document. Your responses should be sent to Ms. Allison Hiltner, U.S. Environmental Protection Agency, Region 10, Superfund

Branch, 1200 Sixth Avenue, HW-113, Seattle, WA 98101. If you have questions regarding technical issues, please contact Ms. Hiltner at (206) 553-2140. If you have questions regarding legal issues, please contact Mr. Richard McAllister at (206) 553-8203.

## DEFINITIONS

For the purposes of this Request for Information, the following definitions apply:

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any waste material into or on any land or water so that such waste material or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground water.

"Facility" means any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft. It also means any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or has otherwise come to be located.

"Hazardous substances", and "pollutants or contaminants" have the meanings assigned to these terms in CERCLA Sections 101(14) and 101(33), respectively. They include any mixtures containing hazardous substances, pollutants, or contaminants, including a wide range of chemical compounds found in raw materials, additives, intermediate products, byproducts, waste streams, and final products. Materials of concern could be associated with commercial activities such as painting, cleaning, degreasing, repairing, manufacturing, storage, and numerous other activities. They could also be found in more generalized urban runoff from roadways and storm sewers.

The phrase "in the vicinity of the Hylebos Waterway" means any property for which there is a direct or indirect drainage pathway to the Hylebos Waterway, in Commencement Bay, Tacoma, Washington. It also means any property within 2,000 feet of the Hylebos Waterway or within 1,000 feet of any tributary, ditch, storm drain, or gulch, to Hylebos Creek, Fife Ditch, or the Hylebos Waterway.

"Person" means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, state or local government entity, group association, committee, or any other organization.

"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment.

## INFORMATION REQUEST

**Instructions:** A complete response must be made to each individual question in this Request for Information. Identify each answer with the number of the question to which it is addressed. Identify all contributing sources of information. For each document provided in response to this Request for Information, indicate on the document, or in some other reasonable manner, the number of the question to which it applies.

In preparing your responses to each question, consult with all present and former employees and agents of your company who you have reason to believe may be familiar with the matter to which the questions pertain. Identify all contributing sources of information when answering a question. If you have reason to believe that there is an individual who may be able to provide more detail in response to any question, state that person's name and last known address and telephone number and the reasons for your belief.

Your responses should include all information and copies of all records in your possession that relate to each question. If the information you possess is voluminous, you may respond within the 30-day period as to the availability of all related records, and provide a written description of the type of information available. Specifically, describe the types of records maintained with the requests for information including the date of the records, the author of the records, the current location of the records, and their current custodian. If EPA decides not to require copies of records, EPA may request that arrangements be made, if necessary, to allow designated EPA employees, EPA authorized representatives including state employees, and their contractors to review all such documents. You must answer all questions, even if you no longer own or operate the facility that is the subject of this information request. You must make a good faith, diligent effort to obtain the requested information, including actions to consult with former employees and to obtain relevant documents. If you have knowledge of relevant records that are not in your possession, you must provide a description of the records, the current location of the records, and the custodian of the records. Please note that the questions relate to **both current and past** practices and procedures, and your responses must address both.

1. Attached is a list containing the address(es) of property(ies) located in the vicinity of Hylebos Waterway with which EPA believes you and/or your business(es) has or had an association (i.e., current or former owner, lessee/sub-lessee, lessor/sub-lessor, and/or operator of any nature). Please review this attachment and indicate whether the information in the property listing is complete and correct. If not, please make all appropriate corrections and/or additions and include an explanation of all changes made.

2. Identify all properties, including property identified in Question 1, located in the CB/NT site that you **are currently or were formerly** associated with by providing the following information:
  - a. An address, tax identification parcel number, and legal description for each property;
  - b. The size and boundaries of each property;
  - c. The dates and nature (e.g., owner, lessee) of your association with each property; and
  - d. Name(s) and current mailing address(es) for **current and former owner(s), operator(s), and lessees/sub-lessees** known to you for each property.
3. For each property listed in response to Question 2 for which you **were or are** the owner, please provide the following:
  - a. A copy of each transfer of ownership document (e.g., deed, sales agreement);
  - b. Date property acquired or dates owned; and
  - c. Name(s) and current address(es) of person(s) property bought from or sold to.
4. For each property listed in response to Question 2 for which you **were or are** either the **lessee or lessor**, please provide the following:
  - a. A copy of each lease/sub-lease (**including leases/sub-leases no longer in place**) or a brief description of each lease/sub-lease for which no copy is available; and
  - b. The dates during which each lease/sub-lease was or is in effect.
5. For each property identified in response to Question 2, provide the following information:
  - a. A copy of the most detailed map(s), diagram(s) and photo(s) of the property and/or facility operations in your possession;
  - b. A list of all other maps, diagrams and photos of your property and/or facility operations that are in your possession;

- c. A list of all other maps, diagrams, and photos of your property and/or facility operations that are known to you, but are not in your possession, including the location of these documents; and
  - d. Identify any portion of your property that includes intertidal or submerged portions of the adjacent marine waterways or nearshore areas. If applicable, include either on your map(s), diagram(s) or photos, or in narrative with these documents, information that indicates the original shoreline boundaries, and any shoreline changes that have occurred, including the dates upon which these changes occurred.
6. For each property identified in response to Question 2, provide a general description(s) of **all current and historical** processes, activities, and operations conducted by you, your company, lessee(s), or third party(ies). For each process, activity, or operation, include the following information:
- a. The party responsible for each process, activity, and operation at each property(ies). Please provide the names and last known address of each party;
  - b. The time periods and locations (on each property);
  - c. The nature of raw materials associated with or related to it;
  - d. The nature of the process equipment used in it;
  - e. The amount or volume of each by-product or waste (including wastewaters) that were generated annually;
  - f. The amount or volume of non-reclaimable materials, including, but not limited to, still bottoms and wastewater treatment sludges;
  - g. Describe the manner by which the by-products, wastes, or non-reclaimable materials were treated, stored, or disposed of, including but not limited to the use of drums, tanks, lagoons, ponds, waste piles, ditches, marshes, swamps, land treatment or disposal areas, public sewers, landfills, creeks, or waterways;
  - h. Describe procedures for cleaning storage tanks, drums, equipment, and structures;
  - i. Describe the nature and state of the records that were maintained relating to any storage, treatment, or disposal practices for the by-products or wastes generated in conjunction therewith; and

- j. Identify all hazardous substances, pollutants, and contaminants contained in each of the raw materials, by-products, or wastes identified in response to this question.
7. For each property identified in response to Question 2, provide the following information regarding any **current and former** sewer lines (including any storm, sanitary, or combined sewers), drains, ditches, or tributaries:
- a. The location and nature of each sewer line, drain, ditch, or tributary;
  - b. The date of construction of each sewer line, drain, ditch, or tributary;
  - c. Your understanding as to whether each sewer line, or drain was ever connected to a main trunk line;
  - d. Your understanding as to whether each sewer line, drain, ditch, or tributary has access to the Hylebos Waterway;
  - e. Your understanding as to whether any waste or process waters were discharged, intentionally or unintentionally, to each sewer line, drain, ditch, or tributary; and
  - f. Your understanding as to the possibility of a discharge of oil or a release of hazardous substances, pollutants, or contaminants into each sewer line, drain, ditch, or tributary, or the Hylebos Waterway itself.
8. For each property identified in response to Question 2, describe **and illustrate** the direction of surface water runoff and where the runoff ultimately goes (e.g., in storm drains, ditches, or discharging directly to a local waterway). If drainage pathways have been modified, describe past and present pathways. Include the date of each modification.
9. For each property identified in response to Question 2, describe all underground structures located on each property **either currently or in the past**. Underground structures include, but are not limited to, underground pipelines (other than sewers), bulkheads, disposal pits, and storage facilities. Please provide the following information:
- a. Identify the location of each underground structure (include maps, if available);
  - b. Describe the structure(s), including how it **is or was** used;

- c. Identify all hazardous substances, pollutants, or contaminants that **are or were** treated, generated, or stored in the underground structure(s);
  - d. The dates during which the structure(s) **has been or was** located on the property; and
  - f. All available information regarding any spills, leaks, or intentional releases from the structure(s).
10. For each hazardous substance, pollutant, and contaminant listed in response to Questions 6, 7, and 8, provide the generic name and analytical data describing the chemical character (include material safety data sheets [MSDS]).
11. For each property identified in response to Question 2, provide a summary of your information or knowledge concerning the use of fill material or debris that was deposited in the vicinity of the Hylebos Waterway at any time, whether the use was arranged by you or not.
12. For each property identified in response to Question 2, describe any and all releases to the environment of oil, petroleum products, hazardous substances, pollutants, or contaminants. Releases include, but are not limited to: spills, leaks, pipeline breaks, and intentional or unintentional discharges (permitted or not permitted). Include the following information:
- a. The generic name and chemical constituents of the hazardous substance(s), pollutant(s), and contaminant(s). If oil or petroleum products were released, identify whether it was a used or waste oil, and the process in which it was used;
  - b. The quantity of each substance released;
  - c. All cleanup measures taken and the results of each measure;
  - d. The cause of the release;
  - e. Copies of all enforcement orders, (e.g., notices of violations, penalties), inspection reports, and investigative reports generated as a result of each release; and
  - f. Permit information, including concentration limits.

13. Provide a summary of your knowledge of any release(s) to the environment on any property in the vicinity of the Hylebos Waterway, or in the Waterway itself, other than those described in response to Question 12. Include the information requested under Question 12.
14. Describe all past or planned environmental investigations (including investigations of the physical and chemical characteristics of the soil, surface water, sediment, air, and groundwater) conducted by you, a consulting firm on your behalf, or any agency on each property identified in response to Question 2. Provide the following information:
  - a. Copies of all investigation reports in your possession, or the location of all such reports that are not in your possession;
  - b. A list of dates upon which all environmental investigations were done or are planned to be done;
  - c. The purpose of each environmental investigation;
  - d. The results of each environmental investigation;
  - e. Any actions taken in response to the environmental investigation; and
  - f. Copies of all enforcement orders (e.g., notices of violations, penalties, agreed orders, consent decrees), inspection reports, and sampling data generated as a result of the environmental investigations.
15. For each property identified in response to Question 2, provide a summary of your knowledge of the general condition of the property at the start and end of the period of your ownership or tenancy. The description should include, but not be limited to, knowledge concerning tanks, drums, barrels, pits, ponds, lagoons, and any materials stored therein, stained soils, piles of debris, or any other evidence of environmental degradation. Provide any information in your possession regarding the chemical nature of materials left on site at the beginning or end of your ownership or tenancy.
16. Provide your current mailing address, if different than the address used to send this correspondence, and provide the name and telephone number of a person to contact regarding this request for information and general notice letter.



17. Provide the following business information, when applicable, about you and/or your business(es) that are associated with the properties identified in response to Question 2:
- a. State the current legal ownership structure (e.g., corporation, sole proprietorship);
  - b. State the names and current addresses of **current and past** owners or, if a corporation, **current and past** officers and directors;
  - c. Discuss all changes in the legal ownership structure since the inception of the company. For example, a business that starts as a sole proprietorship, but then incorporates after a few years. Please include the dates and the names of all parties involved;
  - d. The names and addresses of all **current or past** subsidiaries or companies in which you or your business has or had an interest. Briefly describe the business activities of each such identified subsidiary or company; and
  - e. If your business formerly owned or operated a property listed in Question 2, describe any arrangements made with successor owners or the owner at the time of operation regarding liability for environmental contamination or property damage.
18. Provide the following information about your liability insurance coverage:
- a. The names of your liability insurance carrier(s);
  - b. Whether any of your liability insurance policies provide liability coverage for damages resulting from the release of hazardous substances and/or wastes, pollutants, or contaminants; and
  - c. Copies of your liability insurance policies (if voluminous, you may provide EPA with a list of such insurance policies, including the name of the insurer, the dates, extent, and the amount of liability coverage for damages resulting from the release of the above identified substances. However, EPA reserves the right to review and require copies of such insurance policies at a later date if necessary).
19. Provide a description of all records available to you that relate to questions 1-18, but which have not been included in your responses.

20. Provide a list of the current or last known addresses and telephone numbers of all persons or companies known to you that may have knowledge relating to the above questions.

- 02/91 - The Port of Tacoma signs an Administrative order for a removal of auto refuse at the Inner Hylebos property--one of six properties to be transferred to the Puyallup Tribe under the Settlement Agreement.
- 03/91 - Administrative Order on Consent signed between EPA and the Port of Tacoma for the Port to evaluate sediment cleanup alternatives for Sitcum Waterway.
- 05/91 - EPA and BankAmerica/Seafirst finalize a Prospective Purchaser's Agreement for abandoned Fick Foundry property in the Mouth of Thea Foss problem area. The agreement limits the bank's Superfund liability for sediment contamination upon foreclosure of the mortgage.
- 05/91 - The Army Corps of Engineers complete the "Historic Review of Special Aquatic Sites" for the Cumulative Impacts Study.
- 06/91 - EPA notified an additional 18 PRPs of their potential liability, and requested information of those parties.
- 10/91 - Simpson Tacoma Kraft submitted the 1991 Monitoring Report for the St. Paul Waterway Area Sediment Remedial Action and Habitat Restoration Project.
- 12/91 - St. Paul Waterway Consent Decree entered in federal court. Requires long-term monitoring of sediment remedy. Initiates Bay-wide Natural Resource Damage Assessment.
- 12/91 - The Natural Resource Trustee's prepare a management plan for the Commencement Bay Natural Resource Damage Assessment.
- 12/91 - The Milestone 1, 2, 3 Letter Report for Sitcum Waterway documented that all essential source control actions were completed for Sitcum Waterway.
- 05/92 - The Milestone 1 Letter Report for the Mouth of Hylebos is completed. Milestone 1 signifies that all ongoing sources of contamination have been identified.
- 05/92 - EPA published the Source Control Strategy Report which describes the approach being taken by EPA and the Washington Department of Ecology for addressing problems of ongoing contamination to the eight CB/NT problem areas.

- 07/92 - EPA and the Port of Tacoma signed an Administrative Order on Consent that addressed the Port's continuing obligations and requirements concerning 4 properties that will be transferred to the Puyallup Tribe of Indians. Under the order, institutional controls were defined for the following properties: Inner Hylebos, Upper Hylebos, East-West Road, and Taylor Way properties.
- 1992 - Under the Land Settlement Agreement, EPA approved six (6) final investigation reports submitted by the Port of Tacoma. Results presented in the Investigation reports showed that no cleanup actions were not necessary at four of the six properties. For the remaining two properties, the Port submitted two Analysis of Alternatives reports to determine appropriate cleanup actions.

## ENCLOSURE B

### COMPREHENSIVE LIST OF POTENTIALLY RESPONSIBLE PARTIES FOR THE COMMENCEMENT BAY NEARSHORE/TIDEFLATS SUPERFUND SITE OPERABLE UNIT 01-SEDIMENTS

July 1, 1991

Name	Mailing Address	Property(ies) of Concern
<b>HYLEBOS WATERWAY</b>		
AK-WA Shipbuilding	AK-WA Shipbuilding 401 Alexander Avenue, Building 588 Tacoma, WA 98421	1. 401 Alexander Avenue, Building 588
Airo Services, Inc.	Airo Services, Inc. 4110 East 11th Street Tacoma, WA 98421	1. 4110 East 11th Street
Anderson, Stephen	Stephen Anderson 3140 East 11th Street Tacoma, WA 98421	1. 3140 East 11th Street
AOL Express, Inc. (formerly listed as Gateway Consolidators)	AOL Express, Inc. 2000 Taylor Way Tacoma, WA 98421	1. 2000 Taylor Way, 3401 Lincoln Avenue
Babet Fund III (formerly listed as Babet Financial Company)	Babet Fund III 154 Corral de Tierra Road Salinas, CA 93908	1. 2218 Marine View Drive
Bonneville Power Administration	Office of Environment Bonneville Power Administration P.O. C-19030 201 Queen Anne Avenue N., Suite 400 Seattle, WA 98109-1030	1. 3702 Alexander Avenue

ENCLOSURE B (Continued).

Name	Mailing Address	Property(ies) of Concern
Brazier Forest Industries (formerly listed as Brazier Forest Products)	Brazier Forest Industries P.O. Box 99945 Tacoma, WA 98499	1. 1501 Taylor Way
Bronger, Ken	Ken's 2930 Marine View Drive Tacoma, WA 98422	1. 2930 Marine View Drive
Buffelen Woodworking Company	Buffelen Woodworking Co. P.O. Box 1383 Tacoma, WA 98401	1. 1901 Taylor Way, Lincoln Avenue/Taylor Way
Cenex Agriculture, Inc.	Cenex Agriculture, Inc. 200 West Mercer St., Ste. 305 Seattle, WA 98119	1. 1801 Taylor Way
Chemical Processors, Inc.	Chemical Processors, Inc. 2203 Airport Way South, Ste. 400 Seattle, WA 98134	1. 1500 Taylor Way, 1701 Alexander Ave. 2. 1851 Alexander Ave. (Parcel A) <sup>a</sup>
City of Tacoma	City of Tacoma Tacoma Municipal Building 747 Market Street Tacoma, WA 98402-3767	1. 1200 Taylor Way, East 11th and Hylebos Waterway 2. Storm drains
Coski, Bernard	Bernard Coski 5323 12th St. NE Tacoma, WA 98422	1. 5403 Pendle Lease Road 2. 2500 block Marine View Drive 3. 4106 East 11th Street
Dent Doctor, The	The Dent Doctor 2928 Marine View Drive Tacoma, WA 98422	1. 2928 Marine View Drive
Dunlap Towing Company	Dunlap Towing Company P.O. Box 593 LaConner, WA 98257	1. 3009 Taylor Way

ENCLOSURE B (Continued).

Name	Mailing Address	Property(ies) of Concern
Executive Bark (formerly listed as B&L Trucking & Construction Co.)	Executive Bark, Inc. 1621 Marine View Drive Tacoma, WA 98422	1. Porter Way, Milton 2. 1621 Marine View Dr.
F.O. Fletcher, Inc. (formerly listed as Fletcher Oil Company)	F.O. Fletcher, Inc. 471 N. Curtis Road Boise, ID 83706	1. 709 Alexander Avenue
General Metals, Inc.	General Metals, Inc. 1902 Marine View Dr. Tacoma, WA 98422	1. 1870/1883/1902 Marine View Dr.
Howard, Donna	c/o Western Superior Structurals Manufacturing 6713 Pacific Highway E. Tacoma, WA 98424	1. 6713 Pacific Highway E.
Huke, Robert	Robert Huke 3502 Greenwood Avenue Tacoma, WA 98466	1. 3001 Marine View Dr.
J. & G. Investments	J. & G. Investments 4812 East 64th St. Tacoma, WA 98443	1. 1690 Marine View Dr.
Jones Chemicals, Inc.	Jones Chemicals, Inc. 80 Munson St. LeRoy, NY 14482	1. 1919 Marine View Dr.
Jones-Goodell Corporation	Jones-Goodell Corp. 1690 Marine View Dr. Tacoma, WA 98422	1. 1690 Marine View Dr.
Joseph Simon & Sons	Joseph Simon & Sons 2202 E. River St. Tacoma, WA 98421	1. 1515 Taylor Way

## ENCLOSURE B (Continued).

Name	Mailing Address	Property(ies) of Concern
Kaiser Aluminum & Chemical Corp.	Kaiser Aluminum & Chemical Corp. 3400 Taylor Way Tacoma, WA	1. 3400 Taylor Way
Lone Star Industries	c/o Lone Star Northwest 5975 E. Marginal Way S. P.O. Box 1730 Seattle, WA 98111	1. 3601 Taylor Way
Louisiana Pacific Corp.	Louisiana Pacific Corp. Legal Department 111 SW Fifth Avenue Portland, OR 97204	1. 3701, 3825 Taylor Way
Manke Lumber Company, Inc.	Manke Lumber Company, Inc. 1717 Marine View Dr. Tacoma, WA 98422	1. 1730, 1750 Marine View Dr.
May, Annon W., et. al.	No known address	1. 3003 Taylor Way
McFarland-Cascade (formerly listed as Cascade Pole)	c/o B. Corry McFarland 1640 E. Marc Tacoma, WA 98421	1. 2602 Marine View Dr.
Milgard Manufacturing, Inc.	Milgard Manufacturing, Inc. 1010 54th Avenue East. P.O. Box 11368 Tacoma, WA 98411-0368	1. 1010 54th Avenue E.
Mintercreek Development	Mintercreek Development 4224 Waller Road Tacoma, WA 98443	1. 4102 East 11th St. 2. 4106 East 11th St.
Modutech Marine, Inc.	Modutech Marine, Inc. 2218 Marine View Dr. Tacoma, WA 98422	1. 2218 Marine View Dr.



ENCLOSURE B (Continued).

Name	Mailing Address	Property(ies) of Concern
Murray Pacific Corp.	Murray Pacific Corp. 3502 Lincoln Avenue Tacoma, WA 98421	1. 3502, 3542 Lincoln Avenue
Nars, Ragnar	Ragnar Nars One Stadium Way N. Tacoma, WA 98403	1. 2116 Taylor Way
Nordlund Boat Company, Inc.	Nordlund Boat Company, Inc. 1621 Taylor Way Tacoma, WA 98421	1. 1621 Taylor Way 2. 1622 Marine View Dr.
Nordlund Properties, Inc.	Nordlund Properties, Inc. 1621 Taylor Way Tacoma, WA 98421	1. 1622 Marine View Dr.
Northwest Processing, Inc.	Northwest Processing, Inc. 1707 Alexander Ave. Tacoma WA 98401-0940	1. 1701, 1800 Alexander Ave.
Occidental Chemical Corporation	Occidental Chemical Corporation P.O. Box 2157 Tacoma, WA 98410	1. 605 Alexander Ave.
Oline, Donald	Donald Oline P.O. Box 428 Montesano, WA 98563	1. 1800 Marine View Dr. 2. 1940, 1950 Marine View Dr. 3. 2008 Marine View Dr. 4. 2218 Marine View Dr.
Oline, Ron & Brad et al.	Ron & Brad Oline 1940 Marine View Dr. Tacoma, WA 98422	1. 1800 Marine View Dr. 2. 1940, 1950 Marine View Dr. 3. 2008 Marine View Dr.

ENCLOSURE B (Continued).

Name	Mailing Address	Property(ies) of Concern
Pan Pacific Trading Co.	Pan Pacific Trading Co. c/o Murray Pacific Corp. 3502 Lincoln Avenue Tacoma, WA 98421	1. 3502, 3452 Lincoln Ave.
PRI (Pacific Resources) Northwest, Inc.	PRI Northwest, Inc. PRI Tower 733 Bishop St. P.O. Box 3379 Honolulu, HI 96842	1. 709 Alexander Ave.
Pederson Oil	No known address	1. 1622 Marine View Dr.
Pennwalt Corp.	Pennwalt Corp. Pennwalt Building Three Parkway Philadelphia, PA 19102-1398	1. 2901, 3009 Taylor Way
Petroleum Reclaiming Services, Inc.	Petroleum Reclaiming Services, Inc. 3003 Taylor Way Tacoma, WA 98421	1. 3003 Taylor Way
Poligen Corp.	Poligen Corporation 1801 Alexander Avenue Tacoma, WA 98421	1. 1701, 1800 Alexander Ave.

## ENCLOSURE B (Continued).

Name	Mailing Address	Property(ies) of Concern
Port of Tacoma	Port of Tacoma P.O. Box 1837 Tacoma, WA 98401-1837	<ol style="list-style-type: none"> <li>1. 401 Alexander Ave. (Parcel 1)<sup>b</sup></li> <li>2. 845, 901 Alexander Ave. (Parcel 2)</li> <li>3. 1221, 1225 Alexander Ave. (Parcel 6)</li> <li>4. 2515 Alexander Ave. (Parcel 13)</li> <li>5. 1405 Marine View Dr. (Parcel 45)</li> <li>6. 1537 Marine View Dr. (Parcel 46)</li> <li>7. 1602 Marine View Dr. (Parcel 47)</li> <li>8. 1670 Marine View Dr. (Parcel 50)</li> <li>9. 1845 Marine View Dr. (Parcel 51)</li> <li>10. 3002 Taylor Way (Parcel 9)</li> <li>11. 3702 Taylor Way (Parcel 11)</li> <li>12. 4200 East-West Road (Parcel 14)</li> <li>13. 4215 East-West Road (Parcel 15)</li> <li>14. 3529 East 11th St. (Parcel 4)</li> <li>15. Paxport Mills/no address (Parcel 12)</li> <li>16. Mouth of Hylebos (Parcel 43)</li> <li>17. Head of Hylebos (Parcel 56)</li> </ol>
Rail & Locomotive Equipment Company	c/o Joseph Simon & Sons 2202 E. River Street Tacoma, WA 98421	<ol style="list-style-type: none"> <li>1. 1515 Taylor Way</li> </ol>
Samson Marine of Tacoma	Samson Marine of Tacoma 3402 90th Avenue E. Puyallup, WA 98371	<ol style="list-style-type: none"> <li>1. 4106 East 11th St.</li> </ol>
Seaport Bark Supply	c/o Patrick Biggs, Attorney P.O. Box 1193 1001 Pacific Avenue, Ste. 400 Tacoma, WA 98401	<ol style="list-style-type: none"> <li>1. 3542 Lincoln Ave.</li> </ol>

## ENCLOSURE B (Continued).

Name	Mailing Address	Property(ies) of Concern
Shell Oil Co.	Shell Oil Co. Two Shell Plaza P.O. Box 2099 Houston, TX 77252	1. 3140 East 11th St.
Solidus Corp.	Solidus Corp. P.O. Box 817 Tacoma, WA 98401	1. 1701, 1800 Alexander Ave. 2. 1851 Alexander Ave.
Sound Refining Co.	Sound Refining Co. c/o Crysen Corp. P.O. Box 15600 825 Parkcenter Dr. Santa Ana, CA 92705	1. 2628, 2638 Marine View Dr., 4102 East 11th St. 2. 3906 East 11th St.
Stone Investments	Stone Investments P.O. Box 25190 Honolulu, HI 96825	1. 2228 Marine View Dr.
Stracke, Clarence	Clarence Stracke 3001 Marine View Dr. Tacoma, WA 98422	1. 3001 Marine View Dr.
Superlon Plastics	Superlon Plastics 2116 Taylor Way Tacoma, WA 98421	1. 2116 Taylor Way
Sussman, Leslie	Leslie Sussman One Stadium Way No. 6 Tacoma, WA 98403	1. 1870, 1902 Marine View Dr.
Tacoma Boatbuilding Co., Inc.	Tacoma Boatbuilding Co., Inc. 1840 Marine View Dr. Tacoma, WA 98422	1. 1840 Marine View Dr.

ENCLOSURE B (Continued).

Name	Mailing Address	Property(ies) of Concern
Taylor Way Properties, Inc. (formerly listed as Taylor Way Investment Corp.)	Taylor Way Properties, Inc. c/o Chemical Processors, Inc. Park 90/5, Suite 400 2203 Airport Way S. Seattle, WA 98134	1. 1501 Taylor Way
USG Interiors (formerly listed as United States Gypsum Co.)	USG Corporation 101 South Wacker Dr. Chicago, IL 60606-4385	1. 2301 Taylor Way
U.S. Naval and Marine Corps	Dept. of the Navy Engineering Field Activity, NW Naval Facilities Engineering Command 3505 NW Anderson Hill Rd. Silverdale, WA 98383-9130	1. 1100 Alexander Ave.
Vance Lift Truck	Vance Lift Truck 3302 East 11th St. Tacoma, Wa 98421	1. 3302 East 11th St.
Washington Dept. of Natural Resources	Washington Dept. of Natural Resources Division of Aquatic Lands Olympia, WA 98504	1. Hylebos Waterway
Western Superior Structurals Manufacturing (formerly listed as Western Engineering)	Western Superior Structurals Manufacturing 6713 Pacific Highway E. Tacoma, WA 98424	1. 6713 Highway E.
Weyerhaeuser Company	Weyerhaeuser Co. 5102 40th St. Tacoma, WA 98443	1. 3401 Taylor Way

ENCLOSURE B (Continued).

Name	Mailing Address	Property(ies) of Concern
Wright Marine Towing, Inc.	Wright Marine Towing, Inc. P.O. Box 47 Tacoma, WA 98401	1. 3906 East 11th St.
<b>SITCUM WATERWAY</b>		
Allied Chemical Corp.	Allied Chemical Corp. Engineering Materials Sector P.O. Box 1139 R Morrison, NJ 07960	1. 1410 Thorne Road
APEX Forge & Tool Co.	APEX Forge & Tool Co. 2311 Ross Way Tacoma, WA 98421	1. 2311 Ross Way
ASARCO, Inc.	ASARCO, Inc. P.O. Box 1617 Tacoma, WA 98421	1. 1801 Thorne Road
Barthel Chemical Co.	Barthel Chemical Co. c/o Norcore Plastics 1144 Thorne Road Tacoma, WA 98421	1. 1144 Thorne Road
Barthel, Loretta	Loretta Barthel c/o Bank of California Trust P.O. Box 3123 Seattle, WA 98114	1. 2434 East 11th Street
Cascade Timber Co.	Cascade Timber Co. 2332 East 11th Street Tacoma, WA 98421	1. 1801 Thorne Road

ENCLOSURE B (Continued).

Name	Mailing Address	Property(ies) of Concern
Certaineed Corp.	Certaineed Corp. P.O. Box 860 Valley Forge, PA 19482	1. 1718 Thorne Road
Chicago Milwaukee Corp.	Chicago Milwaukee Corp. CMC Heartland Partners 547 West Jackson Boulevard Suite 1510 Chicago, IL 60606	1. 1119 Milwaukee Way
City of Tacoma	City of Tacoma Tacoma Municipal Building 747 Market Street Tacoma, WA 98402-3767	1. 1101 Milwaukee Way 2. Storm drains
Cole Investment Co.	Cole Investment Co. 2338 Ross Way Tacoma, WA 98421	1. 2335, 2338 Ross Way
Cole Screenprint Co.	Cole Screenprint Co. 2338 Ross Way Tacoma, WA 98421	1. 2335, 2338 Ross Way
Collins Transport	Collins Transport 2235 Ross Way Tacoma, WA 98421	1. 2235 Ross Way
Dykman, Marvin and Glee	Marvin and Glee Dykman c/o Sound Battery 2310 East 11th Street Tacoma, WA 98421	1. 2310 East 11th Street

## ENCLOSURE B (Continued).

Name	Mailing Address	Property(ies) of Concern
General Chemical Corp. (formerly listed as One Newco, Inc.)	General Chemical Corp. P.O. Box 389 Parsnippany, NJ 07054-0389	1. 1410 Thorne Road
	General Chemical Corp. Nichols Road Pittsburgh, CA 94656	
Georgia Pacific Resins, Inc.	Georgia Pacific Resins, Inc. Law Department 133 Peachtree Street N.E. P.O. Box 105605 Atlanta, GA 30348	1. 1754 Thorne Road
Glein Investments	Glein Investments c/o Norcore Plastics 1144 Thorne Road Tacoma, WA 98421	1. 1144 Thorne Road
Hertz Equipment Rental Corp.	Hertz Corp. 225 Brae Boulevard Park Ridge, NJ 07656-0713	1. 2216 East 11th Street
Hub Equipment Co.	Hub Equipment Co. 2434 East 11th Street Tacoma, WA 98421	1. 2434 East 11th Street
Hygrade Food Products Corp.	Hygrade Food Products Corp. c/o NuLife Fertilizers P.O. Box 883 Tacoma, WA 98401	1. 1424 Thorne Road 2. 1903 Lincoln Avenue



ENCLOSURE B (Continued).

Name	Mailing Address	Property(ies) of Concern
International Transportation Services	International Transportation Services Husky Terminal Port of Tacoma, Terminal 7 Tacoma, WA 98421	1. Terminal 7
Jones Washington Stevedoring	Jones Washington Stevedoring 7245 West Marginal Way S.W. Seattle, WA 98106	1. Terminal 7
Kaiser Aluminum & Chemical Co.	Kaiser Aluminum & Chemical Co. 3400 Taylor Way Tacoma, WA 98421	1. Terminal 7
Liquid Air Products	Liquid Air Products 1451 Thorne Road Tacoma, WA 98421	1. 1451 Thorne Road
Mann Russel Electronics	Mann Russel Electronics 1401 Thorne Road Tacoma, WA 98421	1. Terminal 7
McFarland-Cascade	c/o B. Corry McFarland 1640 East Marc Tacoma, WA 98421	1. Terminal 7
McKenzie, Eva	Eva McKenzie c/o Robert Hicks 5701 Richey Road Yakima, WA 98908	1. 2432 East 11th Street, 2339 Ross Way
Mintercreek Development	Mintercreek Development 4224 Waller Road Tacoma, WA 98443	1. 2311 Ross Way

## ENCLOSURE B (Continued).

Name	Mailing Address	Property(ies) of Concern
Modern Properties Partnership (formerly listed as Modern Properties, Inc.)	Modern Properties Partnership P.O. Box 110880 Tacoma, WA 98411	1. 2006, 2016 East 11th Street 2. 2220 East 11th Street 3. 1125 Thorne Road
Nelson, Carl	No known address	1. 2235 Ross Way
Norcore Plastics	Norcore Plastics 1144 Thorne Road Tacoma, WA 98421	1. 1144 Thorne Road
North American Environmental	North American Environmental 2432 East 11th Street Tacoma, WA 98421	1. 1144 Thorne Road
NuLife Fertilizers	NuLife Fertilizers P.O. Box 883 Tacoma, WA 98401	1. 1424 Thorne Road 2. 1903 Lincoln Avenue
Oregon Washington Railroad and Navigation Company	Union Pacific Railroad Company Law Department 1416 Dodge Street Omaha, NE 68179	1. 1119 Milwaukee Way
PABCO Roofing Products	Pacific Coast Building Products 1014 Chelsey Avenue Richmond, CA 94804	1. 1718 Thorne Road
Pacific Marine Repair	Pacific Marine Repair 4102 East 11th Street Tacoma, WA 98421	1. 2220 East 11th Street
Pacific Rail Services	Pacific Rail Services 1101 Milwaukee Way Tacoma, WA 98421	1. 1101 Milwaukee Way

ENCLOSURE B (Continued).

Name	Mailing Address	Property(ies) of Concern
Pacific Rim Packaging Corp.	Pacific Rim Packaging Corp. 801 Chesley Avenue P.O. Box 4026 Richmond, CA 94804-0026	1. 1702 Port of Tacoma Road
Pacific Storage	Pacific Storage P.O. Box 1757 Tacoma, WA 98401	1. 1440 Port of Tacoma Road
Port of Tacoma	Port of Tacoma P.O. Box 1837 Tacoma, WA 98401-1837	1. 551 Port of Tacoma Road (Parcel 27C) 2. Terminal 7 (Parcel 27B) 3. 1002 Milwaukee Way (Parcel 41A) 4. 1101 Milwaukee Way - South intermodal railyard Sitcum Waterway (Parcel 53) 5.
Rheem Container Corp.	Rheem Container Corp. 83 Wooster Heights Road Danbury, CT 06810	1. 1702 Port of Tacoma Road
Sea-Land	Sea-Land 1002 Milwaukee Way Tacoma, WA 98421	1. 1002 Milwaukee Way
Shortt Saw & Knife	Shortt Saw & Knife 2331 Ross Way Tacoma, WA 98421	1. 2331 Ross Way
Shortt, William	William Shortt c/o TVC Marketing Associates 4011 S.W. 321st Federal Way, WA 98023	1. 2331 Ross Way

ENCLOSURE B (Continued).

Name	Mailing Address	Property(ies) of Concern
Sound Battery	Sound Battery 2310 Ross Way Tacoma, WA 98421	1. 2310 Ross Way
Stevedoring Services of America	Stevedoring Services of America 1980 Milwaukee Way Tacoma, WA 98421	1. Terminal 7
Suburban Propane	Suburban Propane One Suburban Plaza P.O. Box 206 Whippany, NJ 07981-0206	1. 1125 Thorne Road
Tacoma Port Angeles Auto Freight	Tacoma Port Angeles Auto Freight 2235 Ross Way Tacoma, WA 98421	1. 2235 Ross Way
Tatco	Tatco c/o Pacific Storage P.O. Box 1757 Tacoma, WA 98401	1. 1440 Port of Tacoma Road
Washington Department of Natural Resources	Washington Department of Natural Resources Division of Aquatic Lands Olympia, WA 98504	1. Sitcum Waterway
William Drury Co.	William Drury Co. 2220 East 11th Street Tacoma, WA 98421	1. 2220 East 11th Street

ENCLOSURE B (Continued).

Name	Mailing Address	Property(ies) of Concern
<b>ST. PAUL WATERWAY</b>		
Champion International	Champion International One Champion Plaza Stamford, CT 06921	1. 1214, 1216, 1220 St. Paul Avenue
Simpson Tacoma Kraft Co.	Simpson Tacoma Kraft Co. 900 Fourth Avenue Seattle, WA 98164	1. 1214, 1216, 1220 St. Paul Avenue
Washington Department of Natural Resources	Washington Department of Natural Resources Division of Aquatic Lands Olympia, WA 98504	1. St. Paul Waterway
<b>MIDDLE WATERWAY</b>		
Cook's Marine Specialties	Cook's Marine Specialties 223 East "F" Street Tacoma, WA 98421	1. 223 East "F" Street
Foss Maritime Co.	Foss Maritime Co. 660 West Ewing Street Seattle, WA 98119	1. 223 East "F" Street 2. 225 East "F" Street 3. 313 East "F" Street
Marine Industries Northwest	Marine Industries Northwest 313 East "F" Street P.O. Box 1275 Tacoma, WA 98401	1. 313 East "F" Street
Paxport Mills, Inc.	Paxport Mills, Inc. 300 Middle Waterway Tacoma, WA 98421	1. 300 Middle Waterway

ENCLOSURE B (Continued).

Name	Mailing Address	Property(ies) of Concern
Pioneer Painting Co. (formerly listed as Pioneer-Gudmundson Painting Co.)	Pioneer Painting Co. 225 East "F" Street Tacoma, WA 98421	1. 255 East "F" Street
Puget Sound Plywood	Puget Sound Plywood P.O. Box 1378 230 East "F" Street Tacoma, WA 98401	1. 220 230 East "F" Street
Simpson Tacoma Kraft Co.	Simpson Tacoma Kraft Co. 900 Fourth Avenue Seattle, WA 98164	1. 917 East 11th Street, near Busti Street 2. 300 Middle Waterway
Union Pacific Railroad Co.	Union Pacific Railroad Co. Law Department 1416 Dodge Street Omaha, NE 68179	1. 300 Middle Waterway
Washington Belt & Drive Systems	Washington Belt & Drive Systems P.O. Box 24126 2755 Airport Way South Seattle, WA 98124	1. 672 East 11th Street
Washington Department of Natural Resources	Washington Department of Natural Resources Division of Aquatic Lands Olympia, WA 98504	1. Middle Waterway
Western Machine Works, Inc.	Western Machine Works, Inc. 666 East 11th Street Tacoma, WA 98421	1. 660, 664, 666 East 11th Street

ENCLOSURE B (Continued).

Name	Mailing Address	Property(ies) of Concern
<b>WHEELER-OSGOOD WATERWAY</b>		
Burlington Northern Railroad Co.	Burlington Northern Railroad Co. Law Department 3800 Continental Plaza 777 Main Street Fort Worth, TX 76102	1. Wheeler-Osgood Waterway
Chevron USA, Inc.	Chevron USA, Inc. 555 Market Street San Francisco, CA 94105	1. 1648 East "J" Street
City of Tacoma	City of Tacoma Tacoma Municipal Building 747 Market Street Tacoma, WA 98402-3767	1. Storm drains
Griffin Galbraith Fuel Co.	Griffin Galbraith Fuel Co. c/o Matthews Heating Oils, Inc. 1646 East "J" Street Tacoma, WA 98421-1693	1. 1648 East "J" Street
Northwest Container Corp., Inc.	Northwest Container Corp., Inc. c/o Premier Industries 1019 Pacific Avenue, Suite 1501 Tacoma, WA 98402	1. 631, 635 East 15th Street
Rainier Plywood Co.	Rainier Plywood Co. 624 East 15th Street Tacoma, WA 98421	1. 624 East 15th Street

ENCLOSURE B (Continued).

Name	Mailing Address	Property(ies) of Concern
Western Plastics Corp.	Western Plastics Corp. c/o Premier Industries 1019 Pacific Avenue, Suite 1501 Tacoma, WA 98402	1. 631, 635 East 15th Street
<b>CITY (THEA FOSS) WATERWAY</b>		
City of Tacoma	City of Tacoma Tacoma Municipal Building 757 Market Street Tacoma, WA 98402-3767	1. Storm drains
Coast Craft, Inc.	Coast Craft, Inc. 1002 East "F" Street P.O. Box 1777 Tacoma, WA 98401-1777	1. 919, 1002 East "F" Street 2. 1933 Dock Street
Coast Iron & Marine Works	Coast Iron & Machine Works 5225 East 7th Tacoma, WA 98421	1. 1131 Dock Street
Fick Foundry	No known address	1. 1005, 1017 East "D" Street
George Scofield Co., Inc.	George Scofield Co., Inc. P.O. Box 1730 Seattle, WA 98111	1. 1543 Dock Street
Globe Machine Manufacturing	Globe Machine Manufacturing 701 East "D" Street P.O. Box 2274 Tacoma, WA 98401	1. 701 East "D" Street



ENCLOSURE B (Continued).

Name	Mailing Address	Property(ies) of Concern
Harmon Cabinets, Inc.	Harmon Cabinets, Inc. c/o Brandrud Furniture 1933 Dock Street Tacoma, WA 98421	1. 1933 Dock Street
Industrial Rubber & Supply Co. (formerly listed as Industrial Rubbery Supply)	Industrial Rubber & Supply Co. P.O. Box 2276 2307 East "D" Street Tacoma, WA 98401	1. 2301 East "D" Street
J.M. Martinac Shipbuilding Corp.	J.M. Martinac Shipbuilding Corp. 415 East 15th Street Tacoma, WA 98421	1. 1501 East "D" Street, 415 East 15th Street
Jones, Lewis	Lewis R. Jones Co. #4 Forest Glen Lane S.W. Tacoma, WA 98493	1. 1118, 2110, 2130 East "D" Street
Marine Iron Works, Inc.	Marine Iron Works, Inc. 1120 East "D" Street Tacoma, WA 98421	1. 1120 East "D" Street
Mobil Oil Corp.	Mobil Oil Corp. Environmental Health & Safety Department P.O. Box 1031 Princeton, NJ 08540	1. 520 East "D" Street
North Pacific Plywood	North Pacific Plywood P.O. Box 38 Graham, WA 98338	1. 1549 Dock Street
Oregon Washington Railroad and Navigation Company	c/o Union Pacific Railroad Co. Law Department 1416 Dodge Street Omaha, NE 68179	1. 21st Street and Canal Street

ENCLOSURE B (Continued).

Name	Mailing Address	Property(ies) of Concern
Olympic Chemical Corp.	Olympic Chemical Co. 702 "A" Street Tacoma, WA 98402	1. 1002 East "D" Street
Parker Paint Manufacturing Co., Inc.	Parker Paint Manufacturing Co., Inc. 3326 South Junett Tacoma, WA 98409	1. 3302, 3326 South Junett
Pickering Industries	Pickering Industries 2102 East "D" Street Tacoma, WA 98421	1. 1930, 1940 East "D" Street
Shell Oil Co.	Shell Oil Co. Two Shell Plaza P.O. Box 2099 Houston, TX 77252	1. East 7th and "E" Street
Superior Oil Co.	Superior Oil Co. 250 East "D" Street Tacoma, WA 98421	1. 250 East "D" Street
Totem Marine Moorage Association (formerly listed as Moorage Association and Totem Boat Haven)	Totem Marine Moorage Association 821 Dock Street Tacoma, WA 98421	1. 821 Dock Street
Unocal Corp. (formerly listed as Union Oil Co.)	Unocal Corp. 1201 West 5th Street P.O. Box 7600 Los Angeles, CA 90051	1. 516, 523 East "D" Street
Union Pacific Railroad Company	Union Pacific Railroad Company Law Department 1416 Dodge Street Omaha, NE 68179	1. Near Busti Avenue

ENCLOSURE B (Continued).

Name	Mailing Address	Property(ies) of Concern
Washington Department of Natural Resources	Washington Department of Natural Resources Division of Aquatic Lands Olympia, WA 98504	1. City Waterway
Washington Department of Transportation	Washington Department of Transportation Office of District Administrator 5720 Capitol Boulevard, KT-11 P.O. Box 9327 Olympia, WA 98504-9327	1. 24th and "A" Street
West Coast Grocery Co.	West Coast Grocery Co. 1525 East "D" Street P.O. Box 2237 Tacoma, WA 98401	1. 1525, 1801 East "D" Street 420, East 18th Street 480, 490, 495 East 19th Street
Western Fish and Oyster	Western Fish & Oyster 1137 Dock Street Tacoma, WA 98402	1. 1137 Dock Street
Woodworth & Company, Inc.	Woodworth & Company, Inc. 1200 East "D" Street Tacoma, WA 98421	1. 1200 East "D" Street

<sup>a</sup> Parcel A is the designation given to this property by Chemical Processors.

<sup>b</sup> Parcel numbers are designations for these properties determined by the Port of Tacoma.

## ENCLOSURE C

### POTENTIALLY RESPONSIBLE PARTIES IDENTIFIED FOR HYLEBOS WATERWAY SEPTEMBER 15, 1992

Name	Mailing Address	Property(ies) of Concern
ASARCO, Inc.	Thomas Aldrich ASARCO, Inc. P.O. Box 1617 Tacoma, WA 98412	1. 4215 East-West Road 2. 3502 Lincoln Avenue 3. 2602 Marine View Drive 4. 3002 Taylor Way 5. 3009 Taylor Way 6. 3825 Taylor Way
Banyan Rail	Joe Ervins, President Banyan Rail 4124 E. 11th Street Tacoma, WA 98421	1. 4124 E. 11th Street
Johnson-Byers, Inc.	President Johnson-Byers, Inc. c/o Goodwin-Johnson Ltd. P.O. Box 82217 North Burnaby, B.C. CAN V5C 5P7	1. 3009 Taylor Way
Nordberg Auto Body	Larry Nordberg Nordberg Auto Body P.O. Box 150 Federal Way, WA 98003	1. 4225 East 11th Street

**ENCLOSURE C (Continued).**

Name	Mailing Address	Property(ies) of Concern
Ole & Charlie's High & Dry	Don Olson Ole & Charlie's High & Dry 4224 Marine View Drive Tacoma, WA 98422	1. 4224 Marine View Drive
Olson, Don	Don Olson 4224 Marine View Drive Tacoma, WA 98422	1. 4224 Marine View Drive
Olson & Curran Marina	Don Olson Olson & Curran Marina 4224 Marine View Drive Tacoma, WA 98422	1. 4210 East 11th Street
Portac, Inc.	Lawrence Brown Portac, Inc. 2200 First Interstate Building P.O. Box 1157 Tacoma, WA 98401-1157	1. 3002 Taylor Way 2. 3009 Taylor Way
Ryder Truck Rentals	President Ryder Truck Rentals P.O. Box 58128 Tukwila, WA 98138	1. 1801 Taylor Way
Wasser-Winters	Ray D. Winters, President Wasser-Winters 64 Port Way P.O. Box 396 Longview, WA 98632	1. 1602 Marine View Drive

**Enclosure D**

**GENERAL INFORMATION PACKAGE**

August 1992

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# **COMMENCEMENT BAY NEARSHORE/TIDEFLATS SUPERFUND SITE**

## **GENERAL INFORMATION PACKAGE FOR PROPERTY OWNERS, BUSINESSES AND AFFECTED COMMUNITY**

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The U.S. Environmental Protection Agency (EPA) is currently working with various local, state and federal parties to correct environmental problems that exist in the Commencement Bay area of Tacoma, Washington. One of the problems being addressed in this area relates to contaminated marine sediments at the Commencement Bay Nearshore/Tideflats (CB/NT) Superfund site. The overall cleanup goal for the site, outlined in a Record of Decision, is to achieve sediment quality in the bay that will support a healthy marine environment and will reduce the risk of eating contaminated seafood from the bay. This goal will be measured by biological and chemical tests, and by an assessment of human health risks. The cleanup goal has been established to allow a diverse range of uses in the bay including business, navigation, fisheries and recreational uses. Health advisories issued by the Tacoma-Pierce County Health Department will remain in effect to discourage consumption of bottom fish and shellfish until the cleanup is completed.

This information package was created specifically to provide introductory information about EPA's efforts to correct the problems at the CB/NT site associated with the contamination in the marine sediments.

This package includes six sections which briefly describe the following:

1. the Superfund process;
2. the CB/NT Superfund site;
3. the overall cleanup plan for the site;
4. liability and responsibility under Superfund;
5. public participation; and,
6. sources of additional CB/NT information.

**Please note: The factual and legal information presented in this package is general and introductory. It is intended solely for informational purposes and should not take the place of appropriate technical and legal advice. Readers should confer with appropriate legal counsel on the application of the law to their own situations. Please contact the agency representatives listed at the end of this information package if you have any questions.**

## **1.0 THE SUPERFUND PROCESS**

On September 6, 1983, EPA published the original National Priorities List (NPL) of hazardous waste sites, which identifies sites that are eligible for cleanup using federal monies. The CB/NT site was on this list. The site was identified by EPA under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the Superfund law.

NPL sites are addressed under the Superfund Remedial Program. This program has been established to develop site-specific cleanup strategies that will eliminate or substantially reduce threats to the environment and the public health, posed by hazardous substances at NPL sites. The program utilizes a three-phase problem-solving approach, including a Study Phase, a Decision Phase, and a Cleanup Phase.

The Study Phase involves the development of a Remedial Investigation and Feasibility Study (RI/FS). During the RI/FS, conditions at the site are evaluated, problems are characterized and alternative methods to clean up the site are evaluated. The Study Phase is completed upon development of a Proposed Plan which describes EPA's recommendation for future action at the site. Publication of the RI/FS and Proposed Plan initiates the Decision Phase of the Superfund Process.

During the Decision Phase, the public is encouraged to comment on all aspects of the RI/FS and Proposed Plan. EPA then considers information received from the public and makes a final selection of remedy for the site, which is described in a Record of Decision (ROD). The ROD acts as the blueprint for the third and final phase of the Superfund Process, the Cleanup Phase.

The Cleanup Phase includes both Remedial Design and Remedial Action (RD/RA). During the RD/RA phase, cleanup actions described in the ROD are refined via further sampling and testing, and more specific design and engineering; finally, remedial action (i.e., cleanup) is undertaken. When cleanup is complete, or long-term treatment known as Operation and Maintenance (O&M) is underway, the site can be removed from the NPL signifying the elimination or significant reduction of threats at the site.

## **2.0 GENERAL SITE DESCRIPTION**

Although the Commencement Bay Nearshore/Tideflats (CB/NT) Superfund site encompasses a large geographic area, the Superfund project described in this information package is focused on protecting the marine environment and public health concerns related to the marine environment. Other CB/NT Superfund projects include the Tacoma Tar Pits and the Asarco smelter which are being addressed



separately. Response actions described below are designed to address only contaminated marine sediments and contaminant sources within the CB/NT site.

The boundaries of the CB/NT site encompass approximately 10 to 12 square miles of shallow water, shoreline, tideflats and upland areas, located in and near Tacoma, Washington (see map attached). The Nearshore portion of the site extends from the Mouth of the Thea Foss Waterway (formerly City Waterway) to Pt. Defiance. The Tideflats area includes the industrialized waterways and properties which have been developed on the delta of the Puyallup River. In both the Tideflats and Nearshore areas, the site includes all water and bottom sediments to depths of 60 feet below the low tide mark. It also includes upland boundaries, with the exception that the Puyallup River is only included from the bay upstream to the Interstate 5 highway bridge. Land, water and shorelines within the site are owned by the Port of Tacoma, the City of Tacoma, the State of Washington, Pierce County, the Puyallup Tribe of Indians, and numerous private entities.

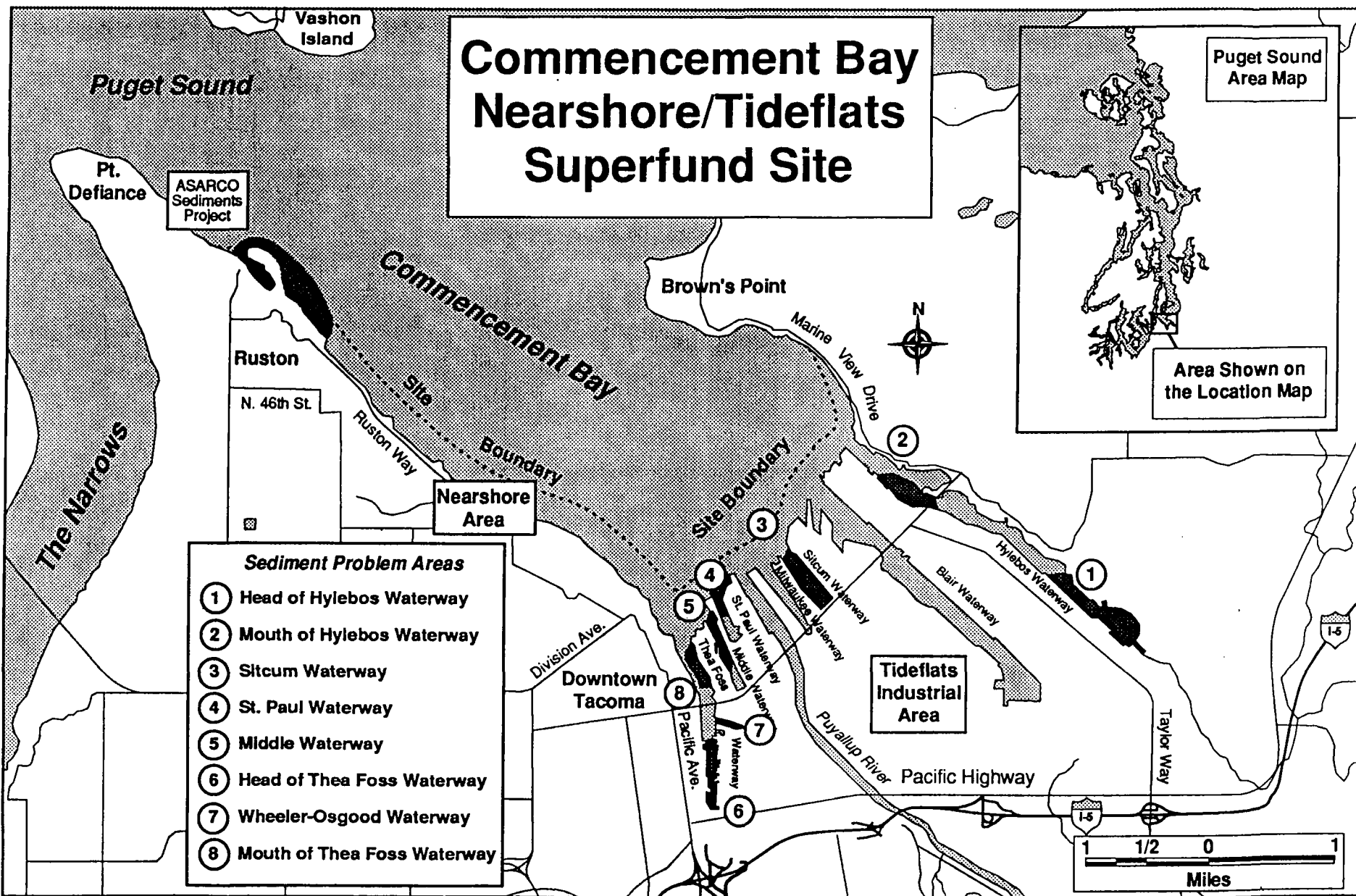
Urban and industrial development of the Commencement Bay area began in the late 1800s. Since that time, hazardous substances and waste material have been released into the terrestrial, freshwater, groundwater, and marine environments. Investigations conducted since 1978 have revealed chemical contamination of waters and sediments in the area; many of these contaminants have impacted marine life. Commencement Bay supports important commercial and recreational fisheries and the consumption of contaminated seafood from the area is a potential threat to public health. The pollutants in Commencement Bay have been released or are currently being released from specific facilities and over 300 storm drains, seeps, and open channels; groundwater seepage; atmospheric fallout; and spills or releases to the environment.

### **3.0 CB/NT CLEANUP PLAN**

EPA and the Washington Department of Ecology (Ecology) have already laid much of the groundwork involved in meeting the cleanup goal for the CB/NT site. Both the study phase and the decision phase have been completed. In order to achieve the site cleanup goal, EPA and Ecology have identified a plan to implement the cleanup and ensure the future health of Commencement Bay. The plan calls for controlling sources of pollution and confinement of contaminated sediments in eight problem areas of the bay. This section describes the work that has already been completed so far in the project, and more fully describes the cleanup plan.

#### **3.1 CB/NT STUDY PHASE**

The efforts of EPA and Ecology during the study phase are documented in the Remedial Investigation/Feasibility Study (RI/FS). This study marked the beginning of



**Figure 1.**  
**Commencement Bay Nearshore/Tideflats Superfund Site: Sediment Problem Areas**

coordination efforts between EPA and Ecology for work on the CB/NT site. In 1983, EPA and Ecology reached an agreement which provided federal Superfund money to Ecology in order to conduct the RI/FS. The RI was completed in August 1985 and FS results were published in December 1988. The RI/FS fully characterized the site, proposed cleanup goals, and evaluated various cleanup options according to specific criteria (e.g. effectiveness, feasibility, cost) as required by federal law.

The RI/FS culminated in a Proposed Plan for cleanup. The plan was created by the agencies to provide the public an opportunity to review and comment prior to a final cleanup decision. The proposed plan identified the agencies' preferred alternative, cleanup goals, and estimated time frames for achieving the cleanup. An Integrated Action Plan was also developed which established a priority for action for a two-phase process of controlling releases of contaminants into the bay (source control) followed by sediment cleanup for all eight problem areas.

The public comment period extended from February 24, 1989, to June 24, 1989; two public meetings were held during the comment period. The comment period for the CB/NT site was longer than usual due to the complexities and scope of the problem. Following the 120-day public comment period, EPA and Ecology prepared a Responsiveness Summary (Appendix B of the ROD), which described and responded to significant community concerns. The agencies received comments from 48 interested parties that represented a large cross-section of the affected community. After consideration of these comments, EPA selected a final remedy (i.e., cleanup plan) with the concurrence of Ecology and the Puyallup Tribe of Indians, as described in the next section.

### **3.2 CB/NT DECISION PHASE**

The selection of the remedy is an important milestone because it represents a transition from a Decision Phase to a Cleanup Phase. The Record of Decision (ROD), which was completed September 30, 1989, is the blueprint for long-term cleanup actions at the site. The cleanup plan described in the ROD will be achieved over a 15-20 year period.

The CB/NT ROD addresses actual and potential effects to the marine environment of the CB/NT site. It is based on extensive information regarding environmental and public health issues at the site, and a thorough evaluation of cleanup alternatives. It describes the CB/NT site, the selected cleanup plan, including costs and schedules, and EPA's response to public comments on the Proposed Plan. The ROD is available for public review (please see the last page of this package for information sources).

**The ROD documents EPA's selection of a final cleanup plan for eight specific problem areas within the site (see map). Each problem area is a localized**

drainage basin within Commencement Bay and is characterized in two ways: 1) as a chemically contaminated portion of marine bottom sediments; and, 2) as a combination of properties, urban development, and industrial operations that appear to be the major sources of contamination to the marine environment. As stated in the general site description above, an additional problem area, the Ruston Shoreline (see location 1 on map), is being addressed separately in association with the Asarco Tacoma Smelter.

The overall cleanup goal for the site (outlined in the Record of Decision) is to achieve sediment quality in the bay that will support a healthy marine environment and will reduce the risk of eating contaminated seafood from the bay. The cleanup plan is comprehensive and will affect industry, businesses, property owners, renters, lessees and real estate transactions in the Commencement Bay area over the next several years.

The selected remedy includes five key elements: 1) continued public health warnings on seafood consumption, 2) source control, 3) natural recovery of marginally contaminated sediments, 4) active cleanup of significantly contaminated sediments, and 5) long-term monitoring.

The selected remedy for sediment cleanup involves the use of confinement technologies to be implemented on-site for contaminated sediments in all eight problem areas. The four containment options identified in the ROD for cleanup are in-place capping, confined aquatic disposal, nearshore disposal, and upland disposal. The estimated cost of sediment cleanup as determined in the ROD is \$32,300,000 for all eight problem areas warranting further action under Superfund. The estimated cost for sediment cleanup for each of the eight problem areas is listed below:

<u>Problem Area</u>	<u>Estimated Cost*</u> (in millions)
Head of Hylebos Waterway	\$ 8.1
Mouth of Hylebos Waterway	\$ 5.7
Sitcum Waterway	\$ 3.4
St. Paul Waterway	\$ 1.8
Middle Waterway	\$ 4.2
Head of Thea Foss Waterway	\$ 7.6
Wheeler-Osgood Waterway	\$ 1.4
Mouth of Thea Foss Waterway	\$ 0.1

\* Costs are based on the confined aquatic disposal option for all problem areas, except St. Paul which was addressed by the cap in place option, and do not include estimates for source control measures.

### **3.3 CB/NT CLEANUP PLAN**

Implementation of the cleanup plan defined in the CB/NT ROD requires a cooperative effort between EPA and Ecology and the affected community, including private citizens, businesses, the Port of Tacoma, the City of Tacoma, and the Puyallup Tribe. The intention of the agencies is to identify parties responsible under Superfund for the contamination problems at the site (see next section) and require them to pay for and/or perform the cleanup. The goal, as described previously, is to achieve a level of cleanup that is protective of human health and the environment, but to minimize disruption of business and port activities to the extent possible.

Source identification, characterization and control activities are underway in all eight CB/NT problem areas. Although cleanup activities will be implemented independently in each problem area, activities among different problem areas have been prioritized according to source control. It is expected that essential source control will be accomplished in all problem areas over the next five years. Upon completion of source control in a waterway, EPA will initiate sediment cleanup activities. In general, each of the eight problem areas will be cleaned up according to the following phased approach:

#### **3.3.1 PHASE ONE - SOURCE CONTROL**

Since completion of the RI in 1985, the identification and control of contaminant sources has been recognized as the first step in cleaning up the CB/NT site. Source control activities have been conducted primarily by Ecology, using state water quality and state hazardous waste cleanup authorities. Since June 1989, through a Cooperative Agreement with EPA, Ecology has been designated as the lead agency for source control. Source control activities are also initiated by the City of Tacoma Sewer Utilities Division and the Tacoma-Pierce County Health Department. The major goal of Ecology's source control program is to eliminate or reduce the release of all toxic chemicals into the bay. Source control activities in Commencement Bay are broad ranging in scope and status of action.

Source control activities by Ecology include combinations of legal actions, inspections, and on-site cleanup actions. Legal enforcement may include notices of violation, penalties, issuance of permits, negotiated consent decrees, and administrative orders to ensure compliance with federal and state efforts to identify sources within a drainage basin, or to ensure that best management practices have been implemented. For many sources, such as shipyards, the implementation of best management practices is an important step towards cleanup. Some sources--storm drains, for example--are inherently complex and will be studied for potential upstream sources of contamination before cleanup will take place.

Site inspections/investigations include more detailed actions to characterize the extent of contamination; they are necessary to ensure that the cleanup action will adequately address the problem at the site. Many actions can be taken to control contaminant sources. These range from immediate actions that address the most severe site contamination to more complete cleanup measures such as groundwater extraction and treatment. The success of source cleanup actions is evaluated from inspections and monitoring data.

The EPA has published a Source Control Strategy Report (May 1992) which fully documents the plans and status of source control. This document is available for public review (see pp. 13-14 for a listing of information repositories).

### **3.3.2 PHASE TWO - SEDIMENT CLEANUP**

According to the ROD, the second step in the CB/NT cleanup strategy is sediment cleanup. EPA is the lead agency for enforcing sediment cleanup in each of the eight CB/NT problem areas. Sediment cleanup begins once source control is adequate for a given problem area. The recommended approach to remediating contaminated marine sediments is described in detail in the ROD.

Some marginally contaminated areas will recover naturally (over a 10 year period) following completion of adequate source control. More seriously contaminated areas will have to be actively cleaned up. The ROD defines performance criteria and a specific timeframe for cleanup, but allows use of any of four identified confinement options. Selected approaches for cleanup include the use of standard dredge and fill operations, including capping in place; or dredging and disposal in nearshore, upland, or in-water facilities. In each case the site cleanup goal would be achieved by creating an effective barrier between the contaminated sediments and the marine environment in order to prevent further exposure. During the evaluation of the design options for cleanup of each problem area, EPA will identify the specific approach to be implemented at the particular area.

The first sediment cleanup plan was approved in a December 1991 Consent Decree for the St. Paul Waterway. Other plans will proceed in accordance with ROD schedules.

Health advisories issued by the Tacoma-Pierce County Health Department will remain in effect to discourage consumption of bottom fish and shellfish until the cleanup is completed. Also, monitoring of source discharges and sediments will be important throughout the cleanup phase of the project. The monitoring data will be used by EPA to determine how effective source controls, sediment recovery and cleanup/confinement are in achieving the goals of the plan, and if further actions by EPA are necessary.

## **4.0 GENERAL RESPONSIBILITY AND LIABILITY INFORMATION**

Superfund liability can be far reaching for businesses and individuals who own, lease, manage, operate, or finance real estate or business ventures. This section briefly describes the nature of liability under the federal Superfund law to explain the potential scope of responsibility under Superfund.

**Due to the complicated nature of Superfund and the other federal, state, and local environmental laws, and the potential costs of compliance, the reader is encouraged to seek professional advice on legal and technical matters related to any involvement at the CB/NT Superfund site.**

### **4.1 DESIGNATION OF POTENTIALLY RESPONSIBLE PARTIES UNDER SUPERFUND**

Under the current Superfund law, if a party or person falls into one or more specific categories, they may be liable for cleanup costs, and therefore considered a Potentially Responsible Party (PRP). The categories are:

#### **Current Owner or Operator**

The current owner or operator of a facility where there has been a release of a hazardous substance. This may include an absentee owner, or a person or business that leases only a portion of a property. Individuals who control the day-to-day operations at a site may also be liable. The presence of hazardous substances on the property, including groundwater, can cause liability to the persons or businesses with an interest in the property, even if the contamination originates from off-site.

#### **Former Owner or Operator**

The former owner or operator of the property or business at the time that a hazardous substance was disposed of at the facility. A "disposal" operation has a broad definition (e.g., spilling, leaking), and may include many construction operations where contaminated soils and materials are excavated and then placed back on the ground. Court cases have also ruled that the legal successor to a business is also responsible for the original party's liabilities.

#### **Generator**

A person or business who arranged for the treatment or disposal of hazardous substances at a facility (usually referred to as a generator). You may be responsible if you own, possess, or assume control of the hazardous

substances, and a person or business need not actually create a hazardous waste to be liable in this category. In addition, a business that sells a waste product containing hazardous substances may be liable for a release at the receiving facility.

#### Transporter

A transporter of hazardous substances for disposal or treatment who selects the facility. Generally a transporter or common carrier who merely follows the generator's orders to carry the materials to a particular facility is not liable.

### **4.2 NOTIFICATION OF RESPONSIBILITY**

Superfund requires EPA to conduct a search for Potentially Responsible Parties (PRPs) to identify those who may be held liable for the cost of site investigation and cleanup actions. Under EPA's enforcement authority, PRPs may be required to perform or pay for cleanup actions whenever possible. Although EPA prefers to negotiate with private parties and encourages voluntary cleanup through legally binding agreements, it has the authority to order responsible parties to take specified cleanup actions. EPA may also elect to perform a cleanup using available Superfund monies and then take legal action to recover those monies from the responsible parties.

In the case of the CB/NT site, EPA is continuing a search to identify PRPs for each of the eight CB/NT problem areas of concern. In the initial phase of the search, EPA notified 133 PRPs of their potential Superfund liability for sediment investigation and cleanup activities in a General Notice Letter issued to them in April 1989. The letter also requested the addressees to clarify the status and history of their involvement at the site.

EPA intends to negotiate with separate groups of PRPs for each problem area, holding each group responsible for the cleanup of their designated problem area(s). In most cases, EPA will use Special Notice procedures to negotiate a cleanup agreement for each problem area. Special Notice letters may be issued to start negotiations when source control measures are being implemented in each problem area, as outlined in the ROD. A Special Notice Letter triggers a 120-day period for EPA and the PRPs to negotiate a legal agreement for the PRPs to perform the cleanup actions defined in the ROD. The public will have an opportunity to comment on cleanup agreements between EPA and PRPs.

**Property owners and businesses in the Commencement Bay area that are not associated with sources of contamination to any of the eight specific CB/NT problem areas, or who do not own or operate contaminated portions of the problem areas, generally will not be responsible for cleaning up those areas.**



However, EPA may name additional PRPs through the Superfund notification procedures at a later date if new information is received.

#### **4.3 LIABILITY FOR INVESTIGATIONS AND RESPONSE COSTS**

The nature of liability under Superfund for the costs of cleanup is extensive. Specifically, a person that falls into one of the categories described here is liable, even if there was no negligence on their part and even if their actions were otherwise in compliance with laws existing at the time. There is no requirement that the person knew that its actions would lead to the contamination.

Furthermore, the liability is "joint and several", which means that all PRPs are liable for the entire cost of the cleanup. In theory, EPA could sue one PRP for the entire cost of the cleanup.

Finally, a person's liability may result in expenses in one of two ways. First, a party may be ordered or reach an agreement with EPA to perform a cleanup action. Second, EPA or another party may perform the work and seek to recover the response costs through negotiations or in a civil lawsuit. In that case, a liable party may have to reimburse all of EPA's response costs, including contractor costs, attorneys fees, and overhead expenses.

In limited circumstances, a current owner of property may avoid liability for cleanup costs if that person is an "innocent landowner", as defined by federal law. This defense requires showing that at the time of acquisition, the landowner did not know and had no reason to know that any hazardous substances were disposed of on the property. However, the burden of proving the defense is on the landowner, who must also show the exercise of due care once the contamination was discovered and that no act or omission of the landowner caused or contributed to the problem. A more detailed description of this defense is available in an EPA guidance document entitled "Guidance on Landowner Liability under Section 107(a)(1) of CERCLA, De Minimis Settlements under Section 122(g)(1)(B) of CERCLA, and Settlements with Prospective Purchasers of Contaminated Property," OSWER Guidance 9835.9, June 6, 1989.

#### **4.4 OTHER POTENTIAL SUPERFUND LIABILITY**

There are three other types of Superfund liability a PRP may face in the Commencement Bay area. First, a person involved with the CB/NT site is required by law to comply with official requests from EPA for information or for access to property. Generally, EPA will send a letter that requests a party to answer questions relating to their activities, with a deadline for responding to the request. Also, EPA may ask a person to sign an access agreement which allows EPA and its contractor to enter property for purposes of an investigation. **You must comply with these requests**

**even if you are not a PRP.** These actions are authorized under Section 104(e) of Superfund, and may be imposed on a person who has information or who controls the property, regardless of other Superfund liabilities. If a person refuses to comply with such a request, EPA is authorized to force compliance by obtaining a Court order.

Second, some property owners and operators either have been or may be notified by Ecology of potential liability under Superfund and the Washington Model Toxics Control Act (MTCA) for response actions in the Tideflats area. In some cases, notification by Ecology may be related to CB/NT source control efforts. Source control action by Ecology will be very closely coordinated with EPA's efforts to clean up sediments in the nearby waterway or shoreline and may be directed towards controlling discharges to the waterways. In other cases, Ecology may contact owners and operators in the Tideflats area for reasons that may be unrelated to the CB/NT Superfund project.

Third, the responsible parties may be liable for damages to natural resources or human health caused by the contamination. Federal, state and tribal natural resource trustee agencies are working together to assess damages to natural resources in the bay. The trustees are responsible for ensuring that damages are mitigated and/or restored by the parties responsible for the damages.

The trustees and trustee agencies for this site are:

- the Puyallup Tribe of Indians,
- the Muckleshoot Indian Tribe,
- the Washington Department of Ecology,
- the Washington Department of Natural Resources (DNR),
- the Washington Department of Fisheries,
- the Washington Department of Wildlife,
- the National Oceanic and Atmospheric Administration (NOAA),
- the U.S. Department of Interior,
- the U.S. Bureau of Indian Affairs, and
- the U.S. Fish and Wildlife Service.

Natural resource damages assessments are authorized by the federal Superfund law and are being coordinated through a Memorandum of Agreement among the trustees and EPA. If you would like more information, please contact Robert Taylor of NOAA (see last page), the lead trustee agency for the site.

## **5.0 PUBLIC PARTICIPATION**

EPA established a Technical Discussion Group (TDG) in December 1989 to expand the number of persons participating in discussions about technical information

and decisions regarding this complex cleanup. Participants include other regulatory agencies, PRPs, and other interested members of the community.

The TDG is intended to provide concerned and affected parties with an opportunity to review and exchange technical and planning information related to the cleanup phase of this project. It is also intended to provide a framework for communication and coordination with other regulatory programs within the tideflats area throughout the cleanup phase.

EPA hopes that the TDG will provide the agency with valuable insight into technical issues of concern and thereby contribute to project direction and findings. It will not, however, serve as a forum for legal negotiations between the agencies and those parties found responsible for contamination at the site. Therefore, while group input will be important to the agency, it will not form EPA policy or determine EPA's course of action, nor will it replace or preclude the regular 30-day public comment period required upon completion of negotiated agreements between EPA and responsible parties for sediment cleanup in each of the eight problem areas. For more information regarding the TDG, you may contact Michelle Pirzadeh, EPA Community Relations Coordinator (see last page).

### **SUMMARY**

The information provided here is intended to be general and help property owners and businesses in the Tacoma Tideflats area understand the CB/NT site and the Superfund process. However, this information package provides only an overview. Also attached is a table (see Table 1) which lists some of the important activities which have occurred since the signing of the ROD. Questions regarding the ROD and other CB/NT issues should be directed to one of the EPA representatives listed in the following section. Any questions regarding source control issues should be directed to David Smith at Ecology (see last page).

In addition to the information contained in this information package, you should also find attached a copy of the most recent fact sheet for the CB/NT site which identifies the current activity at the site. To have your name placed on a mailing list for future fact sheets, you may contact Michelle Pirzadeh, EPA Community Relations Coordinator (see last page).

## **6.0 SOURCES OF ADDITIONAL INFORMATION**

### **6.1 AGENCY CONTACTS**

U.S. EPA Superfund Hotline, 1(800) 424-4EPA

- U.S. Environmental Protection Agency -- Seattle office:

Lori Cohen, Superfund Team Leader (206) 553-6523

Peggy Justus, Site Manager (206) 553-2138

Allison Hiltner, Site Manager (206) 553-2140

Karen Keeley, Site Manager (206) 553-2141

Rich McAllister, Assistant Regional Counsel (206) 553-8203

Michelle Pirzadeh, Comm. Relations Coordinator (206) 553-1272

Peter Contreras, Site Assistant (206) 553-6708

- Natural Resource Trustee

Robert Taylor, NOAA (206) 526-6604

- Washington Department of Ecology -- Southwest Regional Office (Source Control):

David Smith, Urban Bay Action Team Leader (206) 586-2775

### **6.2 REFERENCES (CONTACT PETER CONTRERAS LISTED ABOVE)**

Commencement Bay Nearshore/Tideflats Proposed Plan Fact Sheet,  
Washington Department of Ecology, February 1989.

Commencement Bay Nearshore/Tideflats Remedial Investigation Reports,  
Prepared by Tetra Tech, Inc. for the Washington Department of Ecology, August 1985.

Commencement Bay Nearshore/Tideflats Feasibility Study Reports, Prepared  
by Tetra Tech, Inc. and PTI Environmental Services, Inc. for Washington Department  
of Ecology, December 1988.

Commencement Bay Nearshore/Tideflats Record of Decision, Prepared by the  
U.S. Environmental Protection Agency, Region 10, September 1989.

Source Control Strategy Report, Prepared by the U.S. Environmental Protection  
Agency, Region 10, May 1992.

### **6.3 INFORMATION REPOSITORIES**

The Administrative Record, which includes the ROD and other agency decision-making documents, is available at the following locations:

U.S. EPA  
Region 10 Superfund Branch  
Mail Stop: HW-113  
1200 6th Avenue  
Seattle, WA

Tacoma Public Library, Main Branch  
1102 Tacoma Avenue South  
Tacoma, WA

The CB/NT ROD is also available for review at the following locations:

Tacoma Pierce County  
Health Department  
3633 Pacific Avenue  
Tacoma, WA

City of Tacoma  
Environmental Commission  
747 Market Street, Suite 345  
Tacoma, WA

PLU Library  
121st and S. Park Avenue  
Tacoma, WA

Kobetich Branch Library  
212 Browns Point Boulevard  
Tacoma, WA

Citizens for a Healthy Bay  
771 Broadway  
Tacoma, WA

**TABLE 1**  
**CB/NT SIGNIFICANT EVENTS**

10/81 -	Commencement Bay designated as a Superfund site.
12/82 -	CB/NT area and CB-South Tacoma Channel area designated as distinct, separate Superfund sites. Deepwater area removed from the NPL.
04/83 -	Ecology designated lead agency for the Remedial Investigation/Feasibility Study.
08/85 -	Remedial Investigation Completed.
12/88 -	Feasibility Study completed.
04/89 -	General Notice letters sent to 133 potentially responsible parties.
2-6/89 -	The proposed plan for the cleanup strategy released for public review.
06/89 -	The Puyallup Tribe of Indians and the Port of Tacoma's Land Settlement Agreement becomes state and federal law. Requires the Port to transfer ownership of six properties in the Tideflats area to the Tribe.
09/89 -	Record of Decision signed.
03/90 -	EPA, the Port, Ecology, and the Puyallup Tribe sign a Memorandum of Agreement to establish a process for the oversight of cleanup actions required at properties covered under the Puyallup Settlement Agreement.
05/90 -	Memorandum of Agreement signed between the Trustees and EPA to coordinate the assessment of damages to the natural resources with ongoing studies and remedial, enforcement and restoration activities in the Commencement Bay environment.
06/90 -	Cumulative Impacts Study initiated by the Army Corps of Engineers to evaluate "special aquatic sites" that are or have been located within Commencement Bay.
01/91 -	Simpson Tacoma Kraft submitted the 1990 Monitoring Report for the St. Paul Area Sediment Remedial Action and Habitat Restoration Project.